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Recommendations for Montana's Model Subdivision Regulations

To Identify, Assess, Avoid, and Minimize the Adverse Impacts of Subdivision Development on Wildlife and Wildlife Habitat

Prepared by a Technical Working Group Coordinated by the Fish and Wildlife Division of Montana Fish, Wildlife and Parks (FWP),

and

Submitted to the Montana Department of Commerce Community Technical Assistance Program (CTAP)

June 2010

Preface

Montana Fish, Wildlife and Parks (FWP) offers these recommendations to the Montana Department of Commerce Community Technical Assistance Program (CTAP), for consideration in its process of updating the State's Model Subdivision Regulations. FWP's purpose in preparing this document is to help Montana local governments, subdividers, and subdivision review agencies achieve the multiple purposes outlined in the Montana Subdivision and Platting Act, including development "in harmony with the natural environment", preservation of open space, and protection of the rights of property owners.

This document was compiled by a technical working group consisting of the following biologists, land use planners, and state agency attorneys:

FWP: Gael Bissell, Kristi DuBois, Doris Fischer (former Madison County planning director), Chris Hammond, Jamie Jonkel, Scott Opitz, Bill Schenk, John Vore, and Catherine Wightman. Additional FWP biologists offered input, including: Kim Annis, Allison Begley, Dwight Bergeron, Chris Clancy, Mark Deleray, Vickie Edwards, Kevin Frey, Lauri Hanauska-Brown, Glenn Phillips (retired FWP), Jeff Herbert, Tom Lemke (retired FWP), and Alan Wood.

Local Land Use Planners: Anne Cossit, planning consultant for rural counties primarily in central and eastern MT; Dave DeGrandpre (former Lake County planner), planning consultant for developers and counties primarily in western MT; and Nancy Heil, Missoula County Rural Initiatives.

Montana Department of Commerce: Jerry Grebenc, (former Lewis & Clark County planner), CTAP program manager; and Kelly Casillas, Deputy Legal Counsel and Community Development Division Administrator.

Others with biology or land use planning expertise: Brent Brock, Craighead Environmental Research Institute; Pete Coppolillo (former Wildlife Conservation Society); Tim Davis, Montana Smart Growth Coalition; Janet Ellis, Montana Audubon; Dennis Glick, Future West; and Jim Richard (retired land use planner). Additional biologists offered input, including: John Carlson, U.S. Bureau of Land Management; Steve Gniadek (retired National Park Service); and Brian Martin, The Nature Conservancy.

Prior to finalizing its recommendations, the technical working group solicited and received review comments from the Governor's Task Force on Riparian Protection, Montana Natural Heritage Program, Montana Department of Transportation, one land use attorney, 22 additional FWP personnel (mostly biologists), several additional biologists from other public and private agencies, and seven additional land use planners from the following planning departments: Gallatin County, Lincoln County, Missoula City-County, Missoula County Rural Initiatives, and Yellowstone County.

FWP gratefully acknowledges the extraordinary dedication and hard work by members of the technical working group. We recognize that this package of recommendations is not a "consensus" document. There were differences of opinion within the working group, on whether some of the recommended standards should be more or less restrictive, more or less detailed. All participants, however, agree that this document represents a significant step forward in helping local governments consider the effects of subdivision on wildlife and wildlife habitat.

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Introduction

Section 76-3-608, MCA of the Montana Subdivision and Platting Act (MSPA) provides that local governments must review all subdivision proposals for conformance with a variety of public health and safety criteria. This document is primarily concerned with the criteria set forth in Section 76-3-608(3)(a), MCA, which requires local governments to analyze and consider the impact of proposed subdivisions on wildlife and on wildlife habitat. Historically, the State's Model Subdivision Regulations, produced by CTAP at the Montana Department of Commerce, have provided local government officials, planners, planning board members, subdividers, and subdivision review agencies (such as FWP) with little guidance as to what steps might be taken to comply with this provision of the Montana Subdivision and Platting Act.

Although the Montana Subdivision and Platting Act does not specifically refer to fish and aquatic habitat, this document treats fish and aquatic habitat as a subset of the "wildlife and wildlife habitat" terms used in the Act. Such treatment is consistent with Section 87-1-801, MCA, which defines wildlife as "all species of animals including but not limited to mammals, birds, **fish** (emphasis added), reptiles, amphibians, mollusks, and crustaceans".

This document is intended to:

- Help local governments comply with the statutory requirements of the Montana Subdivision and Platting Act;
- Suggest local subdivision application and review procedures that will enable the potential impacts of a proposed subdivision on wildlife and wildlife habitat to be identified and assessed;
- Suggest subdivision design and improvement standards that will enable such impacts to be avoided or minimized; and
- Promote a better understanding of how to conserve wildlife, one of Montana's most precious natural resources, while at the same time accommodating subdivision development.

Subdivision development can negatively impact wildlife and wildlife habitat in a number of ways. A subdivision may, for example:

- Fragment a large block of open space occupied by wildlife.
- Make it difficult, even impossible, for animals to move between habitat patches or their seasonal ranges.

- Reduce the ability of wildlife to survive and/or reproduce in an area due to the introduction of human disturbance factors such as buildings, roads, pets, and human activities.
- Lead to human/wildlife conflicts that can erode public tolerance for wildlife or result in wildlife habituation and loss of fear. In some circumstances, wildlife must be moved or killed to resolve the conflict.
- Hinder or eliminate opportunities for public hunting, a primary wildlife management tool that enables FWP to control the numbers and distribution of big game and other wildlife.
- Impede natural processes such as fire and flooding that are essential for maintaining healthy ecosystems in perpetuity.
- Introduce residential development into a previously undeveloped landscape, and open the door to significant development of an area important to wildlife.
- Contribute to a greater adverse effect on wildlife and wildlife habitat over time.

This document does not address the full range of impacts that subdivision development may cause for Montana's wildlife species and their habitats. However, it does cover several important aspects and is organized into four parts:

I. Recommended procedures that more fully integrate wildlife and wildlife habitat considerations into the subdivision application and review process.
II. Recommended subdivision design standards that address wildlife and wildlife habitat.
III. Acronyms and definitions for terms used in this document.
IV. Appendices, including an appendix that provides the rationale for the recommended wildlife and wildlife habitat design standards, with pertinent scientific references.

I. Recommended Subdivision Application and Review Procedures

A. Pre-Application Process

❖ **<u>Recommendation #1:</u> Include a provision in the Model Subdivision Regulations that strongly encourages subdividers to consult with FWP during their earliest stage of project planning, and bring wildlife-related information to their pre-application meeting with the subdivision administrator.**

❖ **<u>Recommendation #2:</u> Include a provision in the Model Subdivision Regulations that encourages the subdivision administrator to discuss the potential for an Alternative Subdivision Design and/or Wildlife Impact Assessment waiver (see Section I.B. below) with the subdivider at the pre-application stage.**

Rationale for Recommendations #1 and #2. If consulted before or during the pre-application process, the local FWP fisheries and wildlife biologists can inform the subdivider of some key wildlife and wildlife habitat issues that may be associated with a proposed subdivision development. The sooner a subdivider learns of such issues, the sooner he/she will be able to consider wildlife and wildlife habitat during the process of subdivision site selection and project design. Although the subdivider is not required to complete the *Wildlife Information Checklist* (see Appendix A) during the pre-application process, Checklist completion at this stage may provide the subdivider with a useful tool for project planning. If the subdivider collects wildlife-related information at the pre-application stage, the subdivision administrator will be better able to discuss the subdivision application provisions that may pertain to the project.

B. Preliminary Plat Application Process

- **<u>Recommendation #3:</u> Include a provision in the Model Subdivision Regulations that requires the subdivider to complete the *Wildlife Information Checklist* found in Appendix A, and submit it as part of the subdivision application. Provide the information sources listed in Appendix B, as an aid to the subdivider.. List the *Wildlife Information Checklist* on the Preliminary Plat Application Checklist.**

- **<u>Recommendation #4:</u> Include a provision in the Model Subdivision Regulations that requires subdividers who must submit an Environmental Assessment as part of their preliminary plat application, to include a Wildlife Impact Assessment (WIA) in the Environmental Assessment.**

Rationale for Recommendations #3 and #4. Both the *Wildlife Information Checklist* and the Wildlife Impact Assessment (WIA) are information and planning tools that will help a subdivider identify the types of wildlife and wildlife habitat found on and in the vicinity of the proposed subdivision, understand which wildlife-related development standards may apply to the project, and more accurately and thoroughly consider the potential effects of the project on wildlife and wildlife habitat. The Checklist and WIA will also assist the subdivision administrator, planning board, and governing body in evaluating the proposed subdivision.

<u>Wildlife Impact Assessment Provision.</u>

The WIA is a technical report that identifies the wildlife and wildlife habitat found on and in the vicinity of the proposed subdivision site, evaluates the potential effects of one or more subdivision development designs on these natural resources, and identifies steps that the subdivider could take to minimize any potentially significant adverse impacts. A WIA is a more detailed and professional evaluation of wildlife and wildlife impacts, than what is normally done for an Environmental Assessment. A WIA must:

1. Be prepared by one or more professionally trained biologists.

2. Identify the following, and map the information where appropriate:

   a. The project planning area, including the proposed subdivision site and a ½ mile radius around it.

   b. Existing land uses in the project planning area.

   c. The species of wildlife, including Species of Concern, that use all or part of the project planning area on a year-round, seasonal, or periodic basis.

   d. Existing vegetation types and wildlife habitats in the project planning area (e.g., water bodies and their associated riparian habitat, big game winter range, native grassland or shrub habitats, and areas used by black or grizzly bears). Where wildlife resources on all or part of the project planning area are unknown, the WIA must include a resource inventory conducted by a professionally trained biologist.

   e. Whether, and to what extent, the project planning area functions as part of a larger habitat that supports wildlife throughout the year.

   f. Areas which currently provide an opportunity for the public to hunt.

   g. The wildlife and wildlife habitat standards outlined in Section XX that apply to the proposed subdivision site.

3. Assess the following, taking the applicable wildlife and wildlife habitat standards from Section XX into account:

   a. Whether, and to what extent, the proposed subdivision development design(s) under consideration may contribute to habitat loss, habitat fragmentation, linkage disturbance, or other degradation in the quality of habitat.

   b. Whether, and to what extent, the proposed subdivision development design(s) under consideration may contribute to the population decline or displacement of one or more individual wildlife species.

c. Whether, and to what extent, the proposed subdivision development design(s) under consideration may impact the public's opportunity to hunt (e.g., through displacement of big game, creation of conflicts between adjoining land uses, loss of hunting opportunities on proposed subdivision site).

d. Whether or not there is a potential for human/bear conflicts within the proposed subdivision.

4. Above and beyond any wildlife and wildlife habitat design standards that may apply to this proposed subdivision (See Section XX), the WIA may propose additional measures for avoiding, minimizing, or mitigating the potentially significant negative impacts of the subdivision on wildlife and wildlife habitat both during construction and after full build-out (e.g., building site relocations, housing density reductions).

❖ **<u>Recommendation #5:</u> Include a provision in the Model Subdivision Regulations that exempts a proposed subdivision from the WIA requirement, under the circumstances specified below.**

Rationale for Recommendation #5. Completion of a WIA will be an added cost to the subdivider, and such cost should not have to be incurred if the potential for adverse impacts on key wildlife resources has already been addressed in a verifiable way.

<u>WIA Exemption Provision.</u>

The subdivider shall be exempt from completing a WIA, if the subdivision administrator determines that the proposed subdivision application and preliminary plat:

1. Demonstrate compliance with the wildlife and wildlife habitat design standards in Section XX[1]; or

2. Are affected by and comply with locally adopted zoning regulations that specifically address the impacts of residential or commercial development upon wildlife and wildlife habitat, and meet the objectives of the wildlife and wildlife habitat design standards in Section XX[2]; or

3. Include a recommendation in writing from the appropriate FWP biologist(s) to exempt the proposed project from the WIA requirement, for specified circumstances.[3]

An exemption approved under this section applies only to the requirement for submitting a WIA, not to the wildlife and wildlife habitat design standards outlined in Section XX. In addition, a WIA exemption does not relieve the subdivider of the responsibility to address wildlife and wildlife habitat in the Environmental Assessment.

❖ **<u>Recommendation #6:</u> Include a provision in the Model Subdivision Regulations that requires subdividers who do not have to submit an Environmental Assessment as part of their preliminary plat application, to address the items specified below in the wildlife and wildlife habitat portion of their Summary of Probable Impacts:**

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[1] Compliance shall be demonstrated by showing all required setbacks and buffers on the preliminary plat and by submitting written information on all other requirements (e.g., those that might only be implemented through other methods, such as a subdivision improvement agreement).

[2] For example, the Middle Cottonwood Zoning District located in Gallatin County.

[3] For example, evidence that the project planning area (proposed subdivision site and ½ mile radius around it) contains wildlife resources of relatively low value.

Rationale for Recommendation #6. Like the *Wildlife Information Checklist* and WIA, this guidance for completing the Summary of Probable Impacts will help a subdivider identify the types of wildlife and wildlife habitat found on and in the vicinity of the proposed subdivision, understand which wildlife-related development standards may apply to the project, and consider the potential effects of the project on wildlife and wildlife habitat. This guidance for the Summary of Probable Impacts will also assist the subdivision administrator, planning board, and governing body in evaluating the proposed subdivision.

Guidance for Summary of Probable Impacts

The wildlife and wildlife habitat portion(s) of the Summary of Probable Impacts must address the following in summary form:

1. The species of wildlife, including Species of Concern, that use all or part of the project planning area (proposed subdivision site plus a ½ mile radius around it) on a year-round, seasonal, or periodic basis.

2. Existing vegetation and wildlife habitats in the project planning area (e.g., natural water bodies and their associated riparian habitat, big game winter range, native grassland or shrub habitats, areas used by black or grizzly bears).

3. The proposed subdivision's potential impacts on wildlife and wildlife habitat, both during construction and at full build out, taking the applicable wildlife and wildlife habitat standards from Section XX into account.

❖ **<u>Recommendation #7:</u> Include a provision in the Model Subdivision Regulations that gives subdividers the option of proposing a subdivision design containing one or more alternatives to the wildlife and wildlife habitat design standards that apply to the project. Procedures for offering an Alternative Subdivision Design process are outlined below.**

Rationale for Recommendation #7. There may be additional ways that the objectives of the various wildlife and wildlife habitat design standards can be achieved. The Alternative Subdivision Design process provides the subdivider the potential for flexibility in applying the wildlife and wildlife habitat design standards, by allowing the subdivider creativity in subdivision design as long as the result meets or exceeds the objectives of the design standards.

Alternative Subdivision Design Process

1. Initial Considerations

The purpose of this section is to provide a subdivider the potential for flexibility in applying the wildlife and wildlife habitat design standards outlined in Section XX, by allowing the subdivider creativity in subdivision design that meets or exceeds the objectives of these standards. An alternative proposed under this section is not subject to the review required under Section III-E, Variances, as long as the alternative is not an effort to demonstrate that one or more of the Wildlife and Wildlife Habitat design standards do not apply to the project. Submission of an alternative subdivision design is not a guarantee that it will be approved by the governing body at the end of the subdivision review process. Therefore, it is essential that the subdivider consult with FWP and the subdivision administrator about the viability of the proposed alternative design well in advance of submitting a subdivision application and preliminary plat for review.

2. Procedure for subdividers who are required to complete an Environmental Assessment

The subdivider who is required to submit an Environmental Assessment and who wishes to propose an alternative subdivision design shall retain a professionally trained biologist to conduct a Wildlife Impact Assessment (WIA) meeting the requirements of these regulations. Any alternative subdivision design proposed by the subdivider must include information indicating that wildlife and wildlife habitat will be conserved as, or more, effectively than if the prescribed standards were used. Based upon the findings of the WIA, the consulting biologist may recommend design standards different than those required by these regulations.

The WIA shall be submitted with the subdivision application and preliminary plat, and it must include comment and recommendation on the WIA and any proposed alternative(s) from the appropriate FWP biologist(s), or evidence (e.g. certified mail

receipt) that the WIA was submitted to the appropriate FWP biologist for review and comment at least 60 days prior to submittal of the preliminary plat application. A subdivision application that proposes an alternative design different from those required by these standards shall not be deemed sufficient as required under Section III-D, Review Process, if comments and recommendations from FWP or evidence of submittal of the WIA to FWP are not included with the WIA.

3. Procedure for subdividers who are not required to complete an Environmental Assessment

The subdivider who does not have to submit an Environmental Assessment but who wishes to propose an alternative subdivision design shall obtain the services of a professionally trained biologist who shall address wildlife and wildlife habitat as required in the Summary of Probable Impacts (SPI). Based upon the findings of the SPI, the consulting biologist may recommend design standards different than those required by these regulations.

A SPI shall be submitted with the subdivision application and preliminary plat, and it must include comments and recommendations on the SPI and proposed alternative(s) from the appropriate FWP biologist(s). If an FWP biologist did not comment on the SPI, the subdivider must provide evidence (e.g. certified mail receipt) that the SPI was submitted to the appropriate FWP biologist at least 60 days prior to submittal of the preliminary plat application. A subdivision application that proposes an alternative design different from those required by these standards shall not be deemed sufficient as required under Section III-D, Review Process, if comments and recommendations from FWP or evidence of submittal of the SPI to FWP are not included with the Summary of Probable Impacts.

4. Staff Recommendation

As part of the subdivision administrator's review of the subdivision application and preliminary plat, he or she shall provide a recommendation to the subdivider, the governing body, and, if applicable, the planning board, as to whether or not the alternative design meets or exceeds the intent of the wildlife and wildlife habitat design standards outlined in Section XX. The recommendation shall be based upon the WIA or SPI, as well as any comments and recommendations provided to the subdivision administrator by FWP.

5. Governing Body Determination

Based upon the WIA or SPI, as well as any comments and recommendations provided by FWP and the subdivision administrator, the governing body shall make the final determination as to whether the proposed alternative design meets or exceeds the intent of the Standards.

Examples of Alternative Subdivision Designs:

- Permanently conserve an equivalent amount of off-site acreage that is located within one mile of the proposed subdivision, and that provides habitat that is as important, or more important, than what's found on the proposed subdivision site.

- Use platted building envelopes to locate homesites closer than the prescribed buffer distance, but behind a topographic feature (e.g., a knoll or knob) that will shield a Species of Concern nesting site from the proposed development.

II. Recommended Subdivision Design and Improvement Standards

❖ **<u>Recommendation #8:</u> Include a Wildlife and Wildlife Habitat Section in the Design and Improvements Standards Chapter of the Model Subdivision Regulations. Include in this Section the Introduction and Menu of Wildlife and Wildlife Habitat standards presented below. Emphasize to local governments, as they adopt or update their local subdivision regulations, that they may: (a) choose from the "Menu" of standards, taking into account the habitats and species found in their geographic area; (b) adapt the numerical values associated with the recommended standards to reflect local knowledge, conditions, and values, although consultation with local FWP biologists is advised before adaptations are made; and (c) use the pertinent appendices found in Appendix C as supporting scientific documentation.**

Rationale for Recommendation #8: Historically, the Model Subdivision Regulations have not contained any design and improvement standards that, if incorporated into local subdivision regulations, would help governing bodies and subdividers avoid or minimize the adverse impacts of subdivision on wildlife and wildlife habitat. By including a set of development design standards for key habitat types and species, the Model Subdivision Regulations will offer more effective guidance to governing bodies. Where governing bodies adopt such standards in whole or in part, subdividers are likely to enjoy a more predictable and consistent decision-making environment; they will know, sooner in their project planning, what standards their proposals must meet; and there will be fewer surprises later in the subdivision review process.

Wildlife and Wildlife Habitat Section

Introduction

All subdivisions must be planned, designed, constructed, and maintained so as to minimize potentially significant adverse impacts on wildlife and wildlife habitat.

In most cases, compliance with the standards outlined below will minimize a subdivision's adverse impacts on wildlife and wildlife habitat. However, in particularly sensitive areas and in accordance with the mitigation process described in Section 76-3-608(4), MCA, the governing body may require the subdivider to take additional steps in order to reasonably minimize potentially significant adverse impacts identified through review of the subdivision application. The governing body shall issue written findings to justify all wildlife and wildlife habitat mitigation required as conditions of approval for the subdivision.

The following standards apply. In some situations, more than one standard may apply to a proposed subdivision site. If overlapping standards should conflict with one another, the more restrictive standard applies.

Menu of Wildlife and Wildlife Habitat Standards

A. Water Bodies (See Appendix C.1. for supporting documentation)

(1) List of Pertinent Definitions (See Definitions Section for actual definitions): braided river, building setback, flood plain, intermittent stream, water body, ordinary high water mark, other water bodies, perennial stream, qualified wetland professional, reservoir, riparian area, river, stream, subdivision design features, surface water, vegetated buffer, water dependent use, wetland, wildlife.

(2) Objectives of Design Standards:

- Protect water quality, stream stability, natural stream processes, aquatic habitat, and wildlife habitat by conserving water bodies and their associated riparian areas.[4]

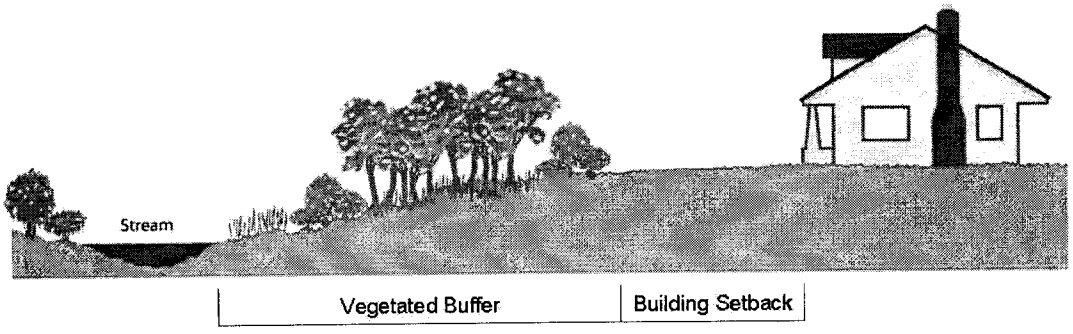
[4] These Water Body standards should be cross-referenced with the other water quality standards included in the Model Subdivision Regulations. These standards also assume that, elsewhere in the Model Subdivision Regulations, subdivision development in the 100-year flood plain is prohibited.

- Retain existing wetland and riparian areas by avoiding or minimizing human disturbances associated with developments such as buildings, roads, docks, and other structures.
- Maintain the natural hydrological and ecological functions of wetlands and riparian areas by minimizing fragmentation and degradation of these sites.
- Maximize the ability for wetlands and riparian areas to function as wildlife habitat.

(3) These standards apply to any subdivision development proposed on property that contains or adjoins a water body and/or its associated riparian area.

(4) The following vegetated buffers and building setbacks apply:

- Rivers – 250 feet of vegetated buffer + 50 additional feet of building setback. Total building setback is 300 feet from each side of a river.
- Perennial Streams – 150 feet of vegetated buffer + 50 additional feet of building setback. Total building setback is 200 feet, from each side of a perennial stream.
- Other Water Bodies – 100 feet of vegetated buffer + 30 additional feet of building setback. Total building setback is 130 feet from the boundary of a wetland, or the ordinary high water mark of an intermittent stream, lake or reservoir.



Total Building Setback = Vegetated Buffer + Building Setback

(5) Vegetated buffer and building setback distances from all water bodies are measured on a horizontal plane, beginning from:

- Rivers, streams, and lakes: the ordinary high water mark. Where rivers are braided, the distances shall be measured from the outermost braid.

- Wetlands: the wetland's defined boundary. This outer edge of a wetland marks the boundary between the wetland and adjacent upland areas.

(6) If the riparian area associated with a water body extends beyond the pertinent vegetated buffer outlined above, then the vegetated buffer shall be extended to encompass all of the riparian area. Riparian areas have one or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are transitional between a water body or wetland and upland.

(7) For wetlands:

- If all subdivision design features (e.g., buildings, roads, and other infrastructure) are located 150 feet or more from any wetlands, the subdivider must demonstrate in its application to the local government that the subdivision design features will not encroach on the total building setback required for wetlands; and

- If any subdivision design features are located 150 feet or less from a wetland, the wetland's boundary must be determined by a qualified wetland professional in accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual of the U.S (Environmental Laboratory 1987), or the most current wetland delineation manual sanctioned by the Army Corps of Engineers (ACOE)-Omaha District. Wetland boundaries determined by this method should be included with the subdivision application. The vegetated buffer and building setback will be measured from the boundary of the wetland.

(8) Within the vegetated buffer and the building setback:

- Homesites and other subdivision improvements (except roads and bridge abutments at river or stream crossings, designed and constructed in accordance with 310 permit requirements) are prohibited.

- All disturbances must incorporate effective measures to limit erosion and sedimentation.

(9) Within the vegetated buffer: all native vegetation must be left undisturbed by the subdivision development, except that vegetation disturbance is allowed in order to control noxious weeds (with herbicide approved for use in riparian environments), reduce accumulated fuels related to fire protection, erect fencing, remove individual trees that pose a threat to public safety, or provide access as specified in #12 below.

(10) Within the building setback: native vegetation can be removed or otherwise disturbed and lawns can be planted, but permanent structures are prohibited.

(11) Water dependent uses may be allowed within the total building setback without a variance or alternative subdivision design process as long as the impacts of design features are minimized to the greatest extent possible. Specifically this applies to:

- Water-dependent agricultural facilities (e.g., pumps, diversion structures); and
- Water-dependent recreational facilities (e.g., non-motorized trails, docks, boat ramps) that do not impact vegetated buffers for sensitive species [see Species of Concern subsection below].

This provision does not exempt a subdivider from needing to comply with other pertinent local regulations, such as lakeshore protection regulations or floodplain management regulations.

(12) Subdivision roads shall be minimized to the greatest extent possible while still allowing for access to all areas proposed for development.

B. Big Game Winter Range (See Appendix C.2. for supporting documentation) NOTE: Appendix C.2. is still under development.

(1) List of Pertinent Definitions (See Definitions Section for actual definitions): big game, existing development, habitat fragmentation, habitat patch, habituation, linkage, subdivision design features, winter range.

(2) Objectives of Design Standards

- Minimize habitat fragmentation and loss of winter range.
- Maintain the animal's ability to travel freely within a winter range habitat patch, and between winter range habitat patches and other seasonal ranges.
- Maintain FWP's ability to manage wildlife effectively and as non-habituated herds.
- Minimize wildlife/human conflicts.

(3) Subdivision Design Standards. In designing the proposed subdivision, the subdivider shall follow all of the steps and meet all of the criteria outlined below.

a. For a preliminary indication of whether the property proposed for subdivision is located within or adjacent to winter range, the subdivider shall consult the Crucial Areas Planning System (CAPS) available on FWP's website[5].

b. For verification of whether the property proposed for subdivision is located within winter range, the subdivider shall consult with the local FWP biologist and request that FWP's determination be put in writing.[6]

c. If the local FWP biologist determines that the property proposed for subdivision is located wholly or partially within winter range, the subdivider shall consult with the local FWP biologist for site-specific information and recommendations on minimizing the impacts of the subdivision on big game species and big game winter range. Such recommendations may include suggestions for avoiding or strictly limiting the placement of subdivision design features in winter range.

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[5] Go to http://fwp.mt.gov/gis/maps/caps/ and look under Crucial Areas Supporting Data.

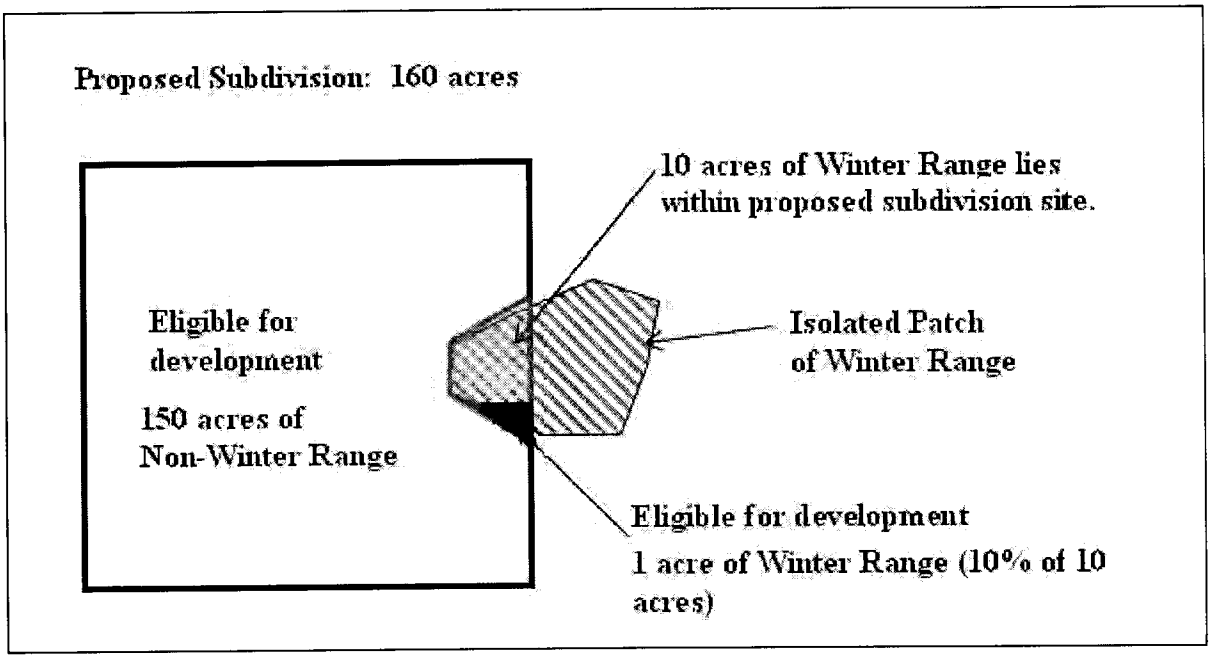
[6]FWP's sign-off on the completed *Wildlife Information Checklist* (see Appendix A) may serve as written determination.

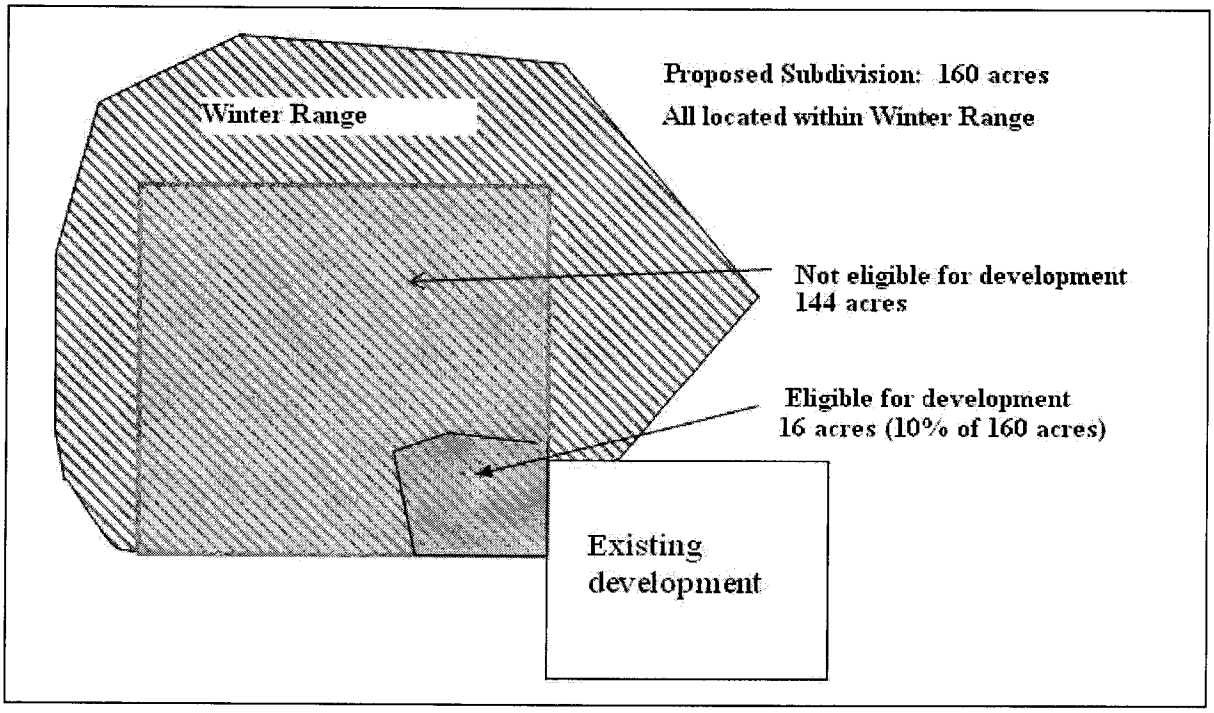
For example:

- If the proposed subdivision site falls partially within winter range and partially outside of winter range, FWP may recommend that building sites and roads be located in the non-winter range portion and as far from the winter range as physically feasible.
- If the proposed subdivision site falls wholly within winter range, FWP may recommend that development be confined to one small area.

Based upon site-specific conditions and the extent of existing development located adjacent to or near the proposed subdivision, FWP may recommend that strict limitations on the location of subdivision design features are not necessary.

In the absence of site-specific information and recommendations from FWP, the subdivider shall locate subdivision design features on no more than 10% of the portion of winter range that is located within the property proposed for subdivision. This 10% shall be contiguous acreage that is confined to one area of the property. The remaining 90% of the property shall remain as contiguous unfragmented, undeveloped habitat, and it shall be labeled as a no-build area on the plat. Two examples of how the 10% standard would apply are provided below.





d. In addition, the subdivider shall:

i. Locate subdivision design features as close to existing development as possible, unless FWP recommends otherwise.

ii. Locate the no-build area of winter range immediately adjacent to existing winter range or open space on adjacent lands, in order to maintain the functional connection with other open space and winter range on public and private lands.

iii. Provide or maintain linkage within a winter range patch, between isolated patches of winter range, or between summer range (or other seasonal habitat) and winter range. Minimum linkage widths are one (1) mile for elk and one-half (1/2) mile for other species. For white-tailed deer, mule deer, and moose, linkage should be along riparian corridors where present.

Prior to submitting the preliminary plat application, the subdivider must give the local FWP wildlife biologist an opportunity to recommend how many linkages should be provided, and whether or not the site-specific

circumstances justify a reduced linkage width. Minimum linkage widths may be reduced if FWP recommends in writing that topography and/or natural vegetation limit line of sight distances and sufficiently alleviate noise between linkage habitat and development activity to allow undisturbed movement of wildlife. A proposed reduction in linkage width that is consistent with FWP's recommendation may be accomplished without following the process for requesting a Variance (see Section ??) or proposing an Alternative Subdivision Design (see Section ??).

iv. Include in the subdivision application, a narrative which documents the steps taken to incorporate all of the criteria listed above, including any recommendations made by FWP.

C. Public Hunting (See Appendix C.3. for supporting documentation)

(1) List of Pertinent Definitions (See Definitions section for actual definitions): building envelope, line of sight.

(2) Objectives for Design Standards

- Maintain the opportunity for the public to hunt.
- Maintain FWP's ability to manage wildlife effectively.
- Maintain healthy wildlife populations.
- Minimize safety concerns of future lot owners.
- Minimize wildlife problems on adjacent properties where hunting is an important tool for wildlife management.
- Avoid conflicts between different land uses.

(3) Identification of Potential Effects of Proposed Subdivision

The subdivision applicant is encouraged to consult with the local FWP wildlife biologist before or during the pre-application process, on the question of whether or not development of the subject property could affect wildlife management options and public hunting opportunities in the vicinity, and if so, how. Before submitting the

preliminary plat application, the applicant must give the local FWP wildlife biologist an opportunity to evaluate the potential effect of the proposed subdivision on wildlife management options and public hunting opportunities, based on review of the information compiled by the applicant, site assessments, FWP hunting area maps, and any other applicable information. On the *Wildlife Information Checklist* submitted as part of the preliminary plat application, the applicant shall include any indication from FWP of how wildlife management options and public hunting opportunities could be negatively impacted by the proposed development, and what steps in subdivision design (e.g., building envelope locations, road and trail layouts, and other ways of addressing line of sight issues) might be taken by the applicant to avoid such impacts.

(4) Subdivision Design Standards

a. As it reviews a subdivision proposal for its impacts on wildlife and wildlife habitat, the local governing body must consider the effects of the proposed development on wildlife management by hunting.

b. Where FWP recommends subdivision design measures that could be taken by the applicant to avoid negative impacts on wildlife management options and public hunting opportunities, the local governing body shall consider such recommendations in weighing the effects of the proposed subdivision on wildlife and wildlife habitat.

D. Human/Bear Conflicts (see Appendix C.4. for supporting documentation)

(1) Objective of Design Standards: To minimize potential for dangerous encounters between humans and bears, and to maintain grizzly bear and black bear populations.

(2) Subdivision Design Standard: If the proposed subdivision is located in an area of high or potentially high human/bear conflict in the opinion of the local FWP biologist,

the subdivider is required to provide adequate facilities for contained bear-resistant garbage collection. Such facilities must be constructed according to FWP specifications[7].

E. Native Grasslands and Native Shrub habitats (See Appendix C.5. for supporting documentation)

(1) List of Pertinent Definitions (see Definitions Section for actual definitions): habitat fragmentation, habitat patch, native grasslands, native shrub habitats, and Species of Concern.

(2) Objectives of Design Standards:

- Minimize the fragmentation and loss of native grassland and native shrub habitat patches greater than 25 acres in size.
- Maintain habitat patches important to wildlife, and minimize the loss of large habitat patches.
- Maintain native grassland and shrub bird populations, many of which are Species of Concern.
- Reduce the spread of invasive, non-native species.

(3) Determination of Native Grassland or Native Shrub Habitat Patches Greater than 25 Acres in Size

The subdivision applicant is encouraged to consult with the local FWP wildlife biologist before or during the pre-application process, on the question of whether or not the subject property is located in one or more native grassland or native shrub habitat patches. Before submitting the preliminary plat application, the applicant must give the local FWP wildlife biologist an opportunity to determine the relationships between the proposed subdivision and any native grassland or native shrub habitat patches based on review of the wildlife information compiled by the applicant, field reviews, consistency with FWP native grassland/native shrub community maps, and any other applicable information. On the Wildlife Information Checklist submitted as part of the preliminary plat application, the applicant shall include any indication from FWP of

[7] FWP specifications are included in Appendix C.4.

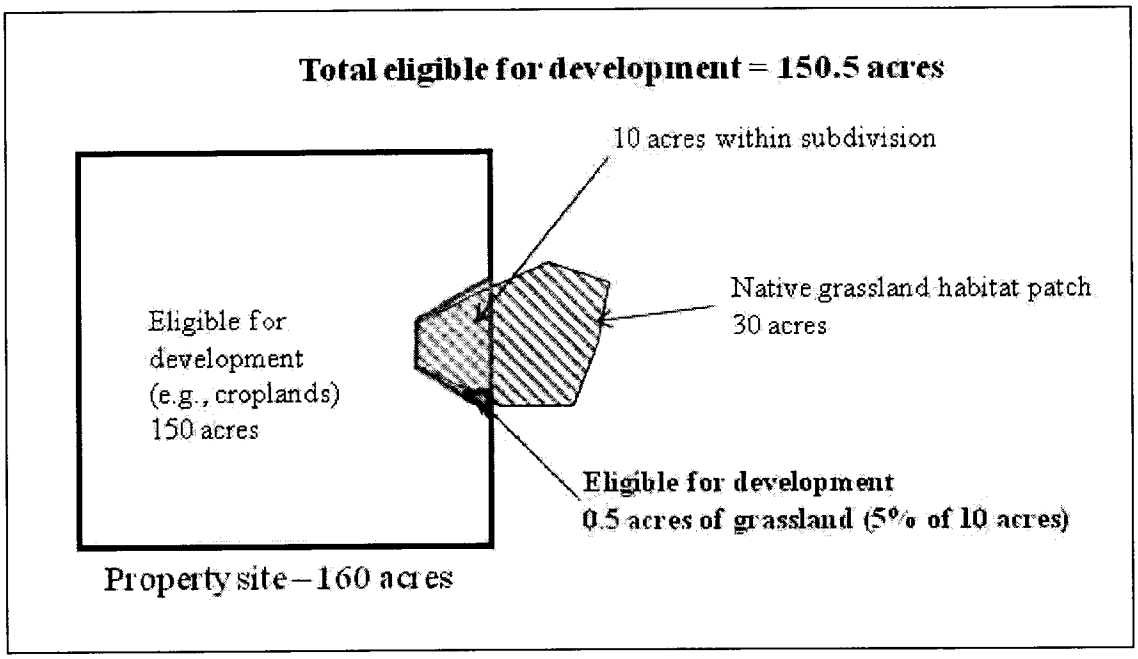
where native grassland or native shrub habitat patches are located in relationship to the proposed development and how it could be impacted by the proposed development.
(4) Subdivision Development Standards

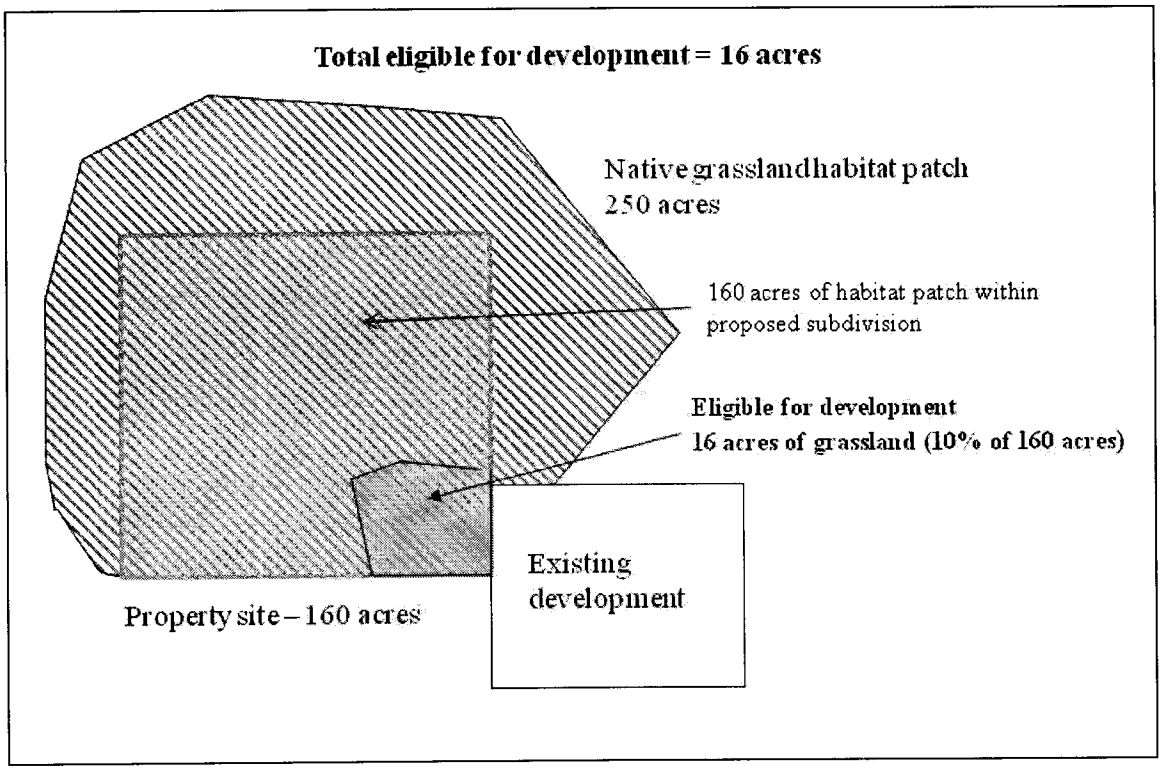
The following subdivision development standards apply only to native grassland or native shrub habitat patches greater than 25 acres in size:

a. The following table identifies how much of a native grassland or native shrub habitat patch can be developed, based upon its existing size and regardless of land ownership:

Total Grassland or Shrub Habitat Patch Size	Amount of Habitat Patch Allowed to be Developed within a Proposed Subdivision	Subdivider Must Consult FWP for Recommendation on Extent and Location of Proposed Development.
> 25 to 100 acres	A maximum of 5% of the portion of habitat patch located on the proposed subdivision site may be developed. For smaller Habitat Patches, at least 25 acres of the habitat patch must remain undeveloped.	No
> 100 to 1000 acres	A maximum of 10% of the portion of habitat patch located on the proposed subdivision site may be developed.	Yes
> 1000 acres	A maximum of 20% of the portion of the habitat patch located on the proposed subdivision site may be developed.	Yes

Two examples of how these standards would apply are provided below.





b. Proposed subdivision design features (e.g., buildings, roads, utilities) inside habitat patches shall be located adjacent to, or as close as possible to, development located outside of the habitat patches, unless FWP recommends otherwise.
c. Subdivision roads shall be minimized to the greatest extent possible, while still allowing for access to all areas proposed for development.
d. New utility lines must be installed underground.
e. Re-vegetation with native seed must occur after road construction and utility installation.
f. A weed control plan, approved by the local weed district, must be in place for the entire property proposed for subdivision.

F. Selected Species of Concern (See Appendix C.6. for supporting documentation)

(1) List of Pertinent Definitions (See Definitions Section for actual definitions): lek, habitat patch, nesting site, Species of Concern, trumpeter swan overwintering site, vegetated buffer.

(2) Objectives of Design Standards: To conserve and minimize impacts upon habitats which support the survival of particular Species of Concern.

(3) The following vegetated buffers apply:

Wildlife Species	Vegetated Buffer--Distance from Development	Power Line Standard
Common Loon nesting site (*Gavia immer*)	500 feet	----------
Great Blue Heron colonial nesting site (*Ardea herodias*)	800 feet	Underground standard
Trumpeter Swan nesting and overwintering sites (*Cygnus buccinators*)	1000 feet	Underground standard
Long-billed Curlew nesting site (*Numenius americanus*)	1000 feet	----------
Burrowing Owl nesting site (*Athene cunicularia*)	1000 feet	----------
Bald Eagle nest sites (*Haliaeetus leucocephalus*)	1/2 mile	Raptor standard
Golden Eagle nesting site (*Aquila chrysaetos*)	1/2 mile	Raptor standard
Ferruginous Hawk nesting site (*Buteo regalis*)	1/2 mile	Raptor standard
Peregrine Falcon nesting site (*Falco peregrinus*)	1/2 mile	----------
Sharp-tailed Grouse lek (*Tympanuchus phasianellus*)	Case-by-case basis	Underground standard
Greater Sage-Grouse lek (*Centrocercus urophasianus*)	Case-by-case basis	Underground standard

(4) Power Line Standards. There are two wildlife standards for power lines:

- Underground standard. Power lines may be placed within vegetated buffers for Trumpeter Swans, Great Blue Heron, Sharp-tailed Grouse, and Greater Sage-grouse, but they must be installed underground. If an underground power line is located in native vegetation, the site must be restored using native vegetation.

- Raptor standard. Power lines may be placed within vegetated buffers for Bald Eagle, Golden Eagle, and Ferruginous Hawk, but they must be installed in a manner that protects raptors from power line electrocutions. Raptor power line design standards can be found in *Suggested Practices for Raptor Protection on Power Lines* (APLIC 2006).

(5) Greater Sage-grouse (*Centrocercus urophasianus*) and Sharp-tailed grouse (*Tympanuchus phasianellus*). Sharp-tailed Grouse and Greater Sage-grouse need a sizeable buffer from human disturbance, in order to maintain their populations. If a subdivision is proposed in a county with known leks of either species, the vegetated buffer will be determined on a case-by-case basis in consultation with FWP or USFWS biologist. Scientific studies recommend vegetated buffers from prairie grouse lek sites ranging from 1.2 miles to 5.0 miles. Recommended Greater Sage-grouse buffers are generally larger (3-5 miles) than recommended Sharp-tailed Grouse buffers.

(6) Other Species of Concern. This section covers only a few of the many Species of Concern found in Montana. Where additional Species of Concern are known or predicted to occur on or in the vicinity of a proposed subdivision site, the effects of the proposed development on those other species must also be considered in the course of subdivision application and review.

III. Acronyms and Definitions

❖ Recommendation #9: List the following wildlife-related acronym explanations and definitions in the Model Subdivision Regulations.

Acronyms Used in Text:

CTAP = Community Technical Assistance Program
FWP = Montana Department of Fish, Wildlife and Parks
MCA = Montana Code Annotated
SPI = Summary of Probable Impacts
T/E = Threatened or Endangered under the federal Endangered Species Act
USFWS = US Fish and Wildlife Service
WIA = Wildlife Impact Assessment

Definitions:

Big game: Big game is defined as native ungulate species that commonly make annual migrations to and/or use specific winter range areas. This includes white-tailed deer, mule deer, elk, and antelope, and can also include bighorn sheep, moose, bison, mountain goat, and mountain caribou.

Big game winter range. Areas where big game tend to concentrate during winter, commonly November through April. These areas are considered a subset of overall year-round big game habitat.

Braided river. A river channel that contains a network of smaller channels separated by small islands.

Building envelope. On a lot within a subdivision, a specified area within which any and all residential, commercial or industrial buildings can be located. The building envelope includes all buildings, driveways, outbuildings, and areas with lawns and other non-native landscaping.

Building setback [as it relates to Water Bodies]. An area beyond the outer boundary of the vegetated buffer, where lawns can be planted, but permanent structures are prohibited

Existing Development. An area where structures, roads, and/or other infrastructure are already in place to support human activities. The term also includes platted subdivisions that are not yet developed.

Flood plain. The area adjoining the watercourse or drainage that would be covered by the floodwater of a flood of 100 year frequency [76-5-103 (10), MCA].

Grasslands: see native grasslands.

Habitat: The physical features (e.g., topography, geology, stream flow) and biological characteristics (e.g., vegetation cover and other species) needed to provide food, shelter, and reproductive needs of animal or plant species. [Duerksen et al. 1997]

Habitat Fragmentation. The division of large, contiguous areas of wildlife habitat into smaller patches isolated from one another such that animals can no longer access portions of otherwise suitable habitat or, over time, the remaining habitat can no longer maintain viable populations of some wildlife species.

Habitat Patch. A relatively homogeneous type of habitat that, regardless of land ownership, is spatially separated from other similar habitat and differs from its surroundings. [Forman 1995, cited by ELI 2003]

Habituation. A learned behavioral response of wildlife to developments and activities, whereby animals stop responding to repeated activities that are not accompanied by positive or negative reinforcement. [Knight & Gutzwiller 1995, cited by Thompson and Henderson, FWP 1998]

Lek. A sagebrush or grassland opening where male Sharp-tailed Grouse or Greater Sage Grouse gather for the purpose of competitive courtship displays.

Line of Sight: An imaginary straight line along which an observer looks with unobstructed view. When two objects (e.g., an animal and a structure) have no topographical or vegetative barrier between them, then they are in "line of sight" of each other.

Linkage. Suitable habitat that allows movement within a winter range patch, between isolated patches of winter range, or between summer range (or other seasonal habitat)

and winter range. Linkages are sufficiently wide to allow natural movement of animals without being impeded by disturbance associated with development.

Native Grasslands are vegetation communities where native grass is predominant. They include native prairie grasslands in eastern Montana and intermountain/foothill grasslands in western Montana. Native prairie grassland in eastern Montana is dominated by native bunchgrass and rhizomatous (having a horizontal stem that produces roots and shoots) grass species. Annual precipitation varies widely but averages 10-14 inches, and vegetation is relatively short. Intermountain/foothill grasslands in western Montana are broad mountain valleys containing primarily native bunch grasses. Prairie or intermountain grassland communities can occur adjacent to sagebrush steppe and/or riparian communities. Annual precipitation averages 15 inches per year and grassland vegetation is of moderate height in average precipitation years.

Native Shrub Habitats are vegetation communities where sagebrush is predominant: sagebrush shrub-steppe and sagebrush shrublands. Sagebrush shrub-steppe is scattered primarily throughout western and central Montana, and is co-dominated by shrubs (5-20% shrub cover, primarily sagebrush) and perennial grasses. Sagebrush shrublands are dominated by sagebrush (20-80% sagebrush cover) and are found primarily in mountain valleys of the southwestern corner and along the southern border of the state.

Nesting Site: The location where a bird has laid and incubated its eggs within the last 12 months. Many birds build nests [e.g. Common Loon, Great Blue Heron, Trumpeter Swan, eagles and hawks]; some birds use burrows [e.g. Burrowing Owl] or a shallow depression on the ground [Long-billed Curlew].

Ordinary High Water Mark. The line that surface water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line may include, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation, and destruction of the soil's agricultural vegetative value. A flood plain adjacent to surface waters is not considered to lie within the surface waters' high-water mark (§ 23-2-301, MCA).

Other Water Bodies. An intermittent stream, lake, reservoir, pond, or wetland. The term does not include perennial streams and rivers.

Professionally Trained Biologist. A biologist with a professional certification from either The Wildlife Society or the American Fisheries Society.

Qualified Wetland Professional. An individual with a minimum of a bachelor's degree in a water resource related field, five years practical field experience with wetlands, and/or a Professional Wetland Scientist certification.

Reservoir. A pond or lake (natural or human made) where water is collected and used for storage. The term includes water stored behind a dam on a river or stream.

Resource Inventory. A survey conducted in a given area to identify its wildlife species, wildlife habitats, and habitat conditions.

Riparian Area. An area that is adjacent to a water body and that contains vegetation which, due to the presence of water, is distinctly different from the vegetation of adjacent upland areas.

River. A perennial flowing stream identified on a U.S. Geological Survey map as a river. The term does not include any lake or reservoir located on a river.

Shrub Habitats: see native shrub habitats.

Species of Concern. Native wildlife species that are considered to be "at risk" due to declining population trends, threats to their habitats, and/or restricted distribution. A list of such species, called the Montana Animal Species of Concern, is produced jointly by the Montana Natural Heritage Program and Montana Fish, Wildlife and Parks (FWP). This list includes Threatened & Endangered (T/E) species. A current list can be obtained at: http://mtnhp.org/about/daily_news.asp.

Stream. A body of water with a current, confined within a bed and stream banks. Depending on its locale or certain characteristics, a stream may be referred to as a branch, channel, creek, river, or tributary.

- **Intermittent stream.** A stream or reach of a stream that is below the water table for at least some part of the year and that obtains its flow from both ground water discharge and surface runoff (82-4-203, MCA). An intermittent stream has a defined stream bank and scoured stream bottom.

- **Perennial stream.** A stream or part of a stream that, under normal precipitation conditions, flows throughout the year. Streams dewatered during part of the year by irrigation or other withdrawals, but which would flow throughout the year without said withdrawals, are perennial streams.

Subdivision Design Features. The physical elements of a subdivision development, including houses and other buildings, roads and other infrastructure.

Suitable Habitat: Habitat that meets the survival and reproductive needs of a species, allowing for a stable or growing population over time. [Lamberson et al. 1994]

Surface Water. Any water located above the surface of the land or the bed of any stream, lake, reservoir, wetland, or other body of surface water. All other water shall be considered ground water.

Threatened & Endangered Species (T/E). Species that are "listed" by the U.S. Fish and Wildlife Service (USFWS) for protection under the Endangered Species Act. An endangered species is in danger of extinction throughout all or a significant portion of its range; a threatened species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. A current list can be downloaded at **http://fwp.mt.gov/wildthings/tande/default.html**

Trumpeter Swan Overwintering Site. Lakes, ponds or streams where Trumpeter Swans are viewed regularly between the dates December 15 – February 15.

Vegetated Buffer (as it relates to Water Bodies and Species of Concern).

- **From a water body.** A natural, undisturbed strip or "green belt" along the shorelines of a river, stream, or other water bodies. The term does not include lawns and non-native landscaping.

- **From a bird nesting site, Trumpeter Swan overwintering area, or grouse lek.** A natural, undisturbed strip or "green belt" separating the nesting site, Trumpeter Swan overwintering site, or lek from the proposed building envelopes and other subdivision design features (e.g., roads and power lines). With respect to bird nesting sites, Trumpeter Swan overwintering areas, grouse leks, or agricultural land (cropland and rangeland) may count towards the vegetated buffer.

Water Body. A river, perennial or intermittent stream, lake, pond, reservoir, or wetland.

Water Dependent Use. An activity that must physically be located in, on, over, or adjacent to water in order to conduct its primary purpose and which, therefore, cannot be located inland (e.g. boat ramp, fishing access sites, etc.). A proposed use will not be considered water dependent if either the use can function away from the water or if the water body proposed is unsuitable for the use. Uses, or portions of uses, that can function on sites not adjacent to the water are not considered water dependent regardless of the economic advantages that may be gained from a waterfront location (e.g. houses, motels, long-term parking).

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturation soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (Federal Register 1982).

Wildlife. A mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other animal that is not domesticated or tamed.[8] The term does not include feral animals, which are animals and any offspring that have escaped captivity and become wild (including dogs, cats, and Eurasian ferrets).

[8] This definition is consistent with Section 87-1-801, MCA, which defines wildlife as "all species of animals including but not limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans".

IV. Appendices

- **Appendix A.** ***Wildlife Information Checklist***
- **Appendix B. Contact Information and Web Links for Montana FWP, Montana Natural Heritage Program, and U.S. Fish and Wildlife Service**
- **Appendix C (not yet attached). Rationale for Recommended Wildlife and Wildlife Habitat Design Standards, with Pertinent Scientific References**
  - Appendix C.1. Water Bodies
  - Appendix C.2. Big Game Winter Range
  - Appendix C.3. Public Hunting
  - Appendix C.4. Human/Bear Conflicts
  - Appendix C.5. Native Grasslands and Native Shrub Habitats
  - Appendix C.6. Selected Species of Concern

Montana Fish, Wildlife & Parks

Appendix A: Wildlife Information Checklist

Purpose: This form is intended to help the subdivision applicant identify and acknowledge important wildlife and wildlife habitats[9] on or nearby the site in the early stages of project planning, and locate and design the proposed subdivision appropriately. This form is also intended to help the subdivision administrator identify which, if any, of the design standards outlined in Section XX, Wildlife and Wildlife Habitat, may apply to the project.

Instructions: The subdivision applicant must complete this form, consult with FWP to verify the accuracy of the information, and include the completed form as part of the subdivision application. The applicant must give FWP at least 15 working days to review and sign the form. FWP should be furnished with a vicinity map when review is requested. Due to other work demands, FWP biologists may not be able to review the form within the allotted timeframe; in such cases, the subdivision applicant may proceed without FWP's input at this stage. Additional sheets may be attached as necessary to answer Checklist questions.

FWP Comment and Recommendations: FWP recommends that the pertinent Wildlife and Wildlife Habitat design standards outlined in Section XX be applied if the proposed subdivision site fits any of the habitat factors outlined below. FWP reserves its right to provide comment during later stages of the subdivision application and review process, regardless of its comments and level of participation at this stage.

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[9] **This Checklist treats fish and aquatic habitat as a subset of the "wildlife and wildlife habitat" terms used in the Montana Subdivision and Platting Act.**

Owner of Record: _____

_____

Legal Description of Project Location: _____

_____

Checklist Was Submitted to FWP for Review on: _____
(date)

Signature of Owner or Owner Representative: _____

_____

FWP Review:

1. **Wildlife Information Checklist is complete and reasonably accurate:**

   ☐ **Yes** ☐ **No** ☐ **FWP has not been able to review the information within the allotted time.**

2. **FWP has major concerns at this time.** ☐ **Yes** ☐ **No**

3. **FWP recommends a waiver of the Wildlife Impact Assessment requirement.**

   ☐ **Yes, for these reasons:**_____

   ☐ **No**

_____

(FWP Biologist Printed Name, Signature, and Date)

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat.	FWP Comments
Project is within 300 feet of a water body, and/or its associated riparian area.					
Project is in one or more Big Game Winter Ranges.					
Project could impact opportunities for public hunting on the site and/or within a one-mile radius.					

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat.	FWP Comments
Project is in an area of high or potentially high level of human/bear conflict (black or grizzly bear).					
Project is in a Native Grass-land or Native Shrub Habitat Patch Size > 25 acres.					
Project is within 500 feet of Common Loon nesting site.					
Project is within 800 feet of Great Blue Heron colonial nesting site.					

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat.	FWP Comments
Project is within 1000 feet of Trumpeter Swan nesting or over-wintering site.					
Project is within 1000 feet of Long-Billed Curlew nesting site.					
Project is within 1000 feet of Burrowing Owl nesting site.					
Project is within ½ mile of Bald Eagle nesting site.					
Project is within ½ mile of Golden Eagle nesting site.					

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat.	FWP Comments
Project is within ½ mile of Ferruginous Hawk nesting site.					
Project is within ½ mile of Peregrine Falcon nesting site.					
Project is within 2 miles of Sharp-tailed Grouse lek.					
Project is within 5 miles of Sage Grouse lek.					
Project is within the range of other Species of Concern.					

Additional Comments (by Subdivider and/or FWP) may be attached.

Appendix B

Contact Information and Web Links for FWP, Montana Natural Heritage Program, and U.S. Fish and Wildlife Service

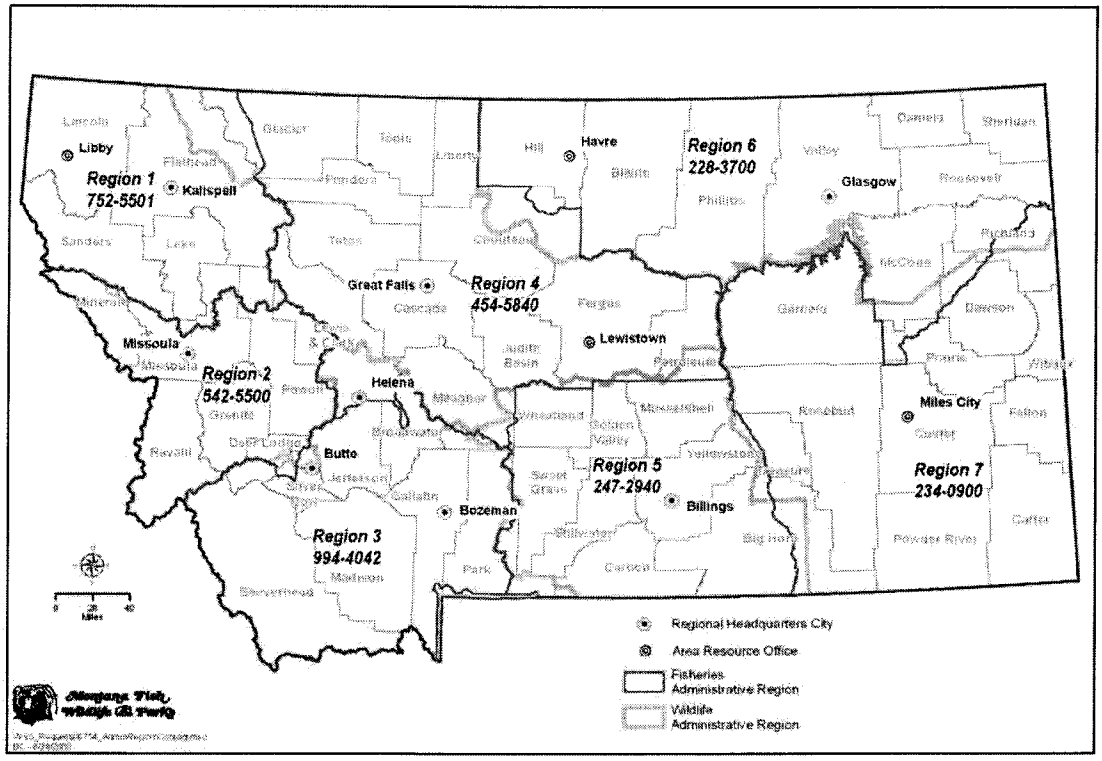
- **Montana Fish, Wildlife and Parks**
  Website: http://fwp.mt.gov

  Website for FWP staff contacts:
  http://fwp.mt.gov/doingBusiness/contactUs/default.html

  Website for Montana Field Guide: fieldguide.mt.gov

  Website for Crucial Areas Planning System:
  http://www.fwp.mt.gov/wildthings/conservationInAction/crucialAreas.html

  Website for Additional Maps and Data Layers:
  http://fwp.mt.gov/doingBusiness/reference/gisData/default.html



- **Montana Natural Heritage Program**
  Website: http://mtnhp.org

  Website for Montana Field Guide: fieldguide.mt.gov

  Website for Natural Heritage Tracker Mapping Tool:
  http://mtnhp.org/Tracker/NHTMap.aspxhttp://mtnhp.org/Tracker/NHTMap.aspx

  Helena Headquarters: (406) 444-5354

- **U.S. Fish and Wildlife Service**
  Website: http://www.fws.gov/mountain-prairie/mt.html

  Montana Ecological Services Field Office in Helena: (406) 449-5225

  Billings Ecological Services Sub-Office: (406) 247-7366

  Kalispell Ecological Services Sub-Office: (406) 758-6882